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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/561,375	12/16/2005	Gregor John Anderson	PB60389C USw	5331
23347 7590 01/12/2010 GLAXOSMITHKLINE CORPORATE INTELLECTUAL PROPERTY, MAI B482 FIVE MOORE DR., PO BOX 13398 RESEARCH TRIANGLE PARK, NC 27709-3398				
EXAMINER COLLINS, MICHAEL				
ART UNIT 3651		PAPER NUMBER		
NOTIFICATION DATE 01/12/2010		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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### Office Action Summary

**Application No.**

10/561,375

**Applicant(s)**

ANDERSON ET AL.

**Examiner**

MICHAEL K. COLLINS

**Art Unit**

3651

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 June 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 and 19-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 19-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments, see **REMARKS**, filed 1/08/2009, with respect to the rejection(s) of claim(s) 1-14 and 19-29 under 35 U.S.C. 102(e)/103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Wolf (USP 5,505,195).

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-14 and 19-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Wolf et al. (USP 5,505,195).

Regarding claim 1, Wolf et al. disclose a hand-held dispenser (100) for dispensing a multiplicity of unit products having:

- a storage area (140) for storing the unit products,
- an outlet opening (145) through which the unit products are dispensable from the dispenser,

- a dispensing mechanism actuatable (110,120) to dispense the unit products through the outlet opening, and
- a dispensing indicator (1035) for indicating the number of unit products left in, or dispensed from, the dispenser, the dispensing indicator being integrated with the dispenser such that it is automatically updated in response to the dispensing of the unit products therefrom (see column 13 lines 52-67).

Regarding claim 2, Wolf et al. disclose the dispenser of claim 1 in which the dispensing indicator has a display (1035) to indicate the number of unit products left or dispensed (see Figure 10).

Regarding claim 3, Wolf et al. disclose the dispenser of claim 2 in which the dispensing indicator is adapted to represent the number of unit products left or remaining in graphical form on the display (see Figure 10).

Regarding claim 4, Wolf et al. disclose the dispenser of claim 3 in which the number of unit products is represented with numerical indicia (see Figure 10).

Regarding claim 5, Wolf et al. disclose the dispenser of claim 2 in which the display is an electronic display (see Figure 10).

Regarding claim 6, Wolf et al. disclose the dispenser of claim 1 wherein the dispensing indicator is an electronic indicator (see Figure 10).

Regarding claim 7, Wolf et al. disclose the dispenser of claim 1 in which the dispensing indicator is a dispensing counter (see Figure 10).

Regarding claim 8, Wolf et al. disclose the dispenser of claim 1 wherein the dispensing indicator is operatively coupled to the dispensing mechanism such that the

indicator is updated in response to actuation of the dispensing mechanism (see Figure 10).

Regarding claim 9, Wolf et al. disclose the dispenser of claim 8 in which the dispensing indicator is operatively coupled to the dispensing mechanism through a detector which is adapted to detect actuation of the dispensing mechanism (see Figure 10).

Regarding claim 10, Wolf et al. disclose the dispenser of claim 1 wherein the dispensing mechanism is operatively coupled to a detector, which is adapted to detect dispensing of unit products from the outlet opening, such that the dispensing indicator is updated in response to detection by the detector of dispensing of unit products from the outlet opening (see Figure 10).

Regarding claim 11, Wolf et al. disclose the dispenser of claim 9 in which the display is an electronic wherein the dispensing indicator has an electrical control circuit for controlling the display and the detector(s) is a trigger(s) for the circuit (see Figure 10 and 7).

Regarding claim 12, Wolf et al. disclose the dispenser of claim 11 wherein the trigger(s) is a switch operable to trigger the circuit (see Figures 7-8).

Regarding claim 13, Wolf et al. disclose the dispenser of claim 12 in which the dispensing indicator is operatively coupled to the dispensing mechanism through a detector which is adapted to detect actuation of the dispensing mechanism, and wherein the dispensing mechanism is adapted to operate the switch when actuated (see Figure 10).

Regarding claim 14, Wolf et al. disclose the dispenser of claim 12 wherein the dispensing mechanism is operatively coupled to a detector, which is adapted to detect dispensing of unit products from the outlet opening, such that the dispensing indicator is updated in response to detection by the detector of dispensing of unit products from the outlet opening, and wherein the switch is positioned so as to be operated by the unit product(s) (see Figure 10 and 7).

Regarding claim 19, Wolf et al. disclose the dispenser of claim 1 in which the dispensing mechanism is adapted to dispense a predetermined number of unit products per actuation (see Figure 10).

Regarding claim 20, Wolf et al. disclose the dispenser of claim 19 wherein the predetermined number is one (see Figure 10).

Regarding claim 21, Wolf et al. disclose the dispenser of claim 1 wherein the storage area is provided in a first dispenser part (130) and the dispensing indicator and outlet opening are provided in a second dispenser part attached to the first dispenser part (see Figure 5).

Regarding claim 22, Wolf et al. disclose the dispenser of claim 21 wherein the dispensing mechanism is provided in the second dispenser part (see Figure 5).

Regarding claim 23, Wolf et al. disclose the dispenser of claim 21 wherein the first and second dispenser parts are releasably attached (see Figure 1).

Regarding claim 24, Wolf et al. disclose the dispenser of claim 21 wherein the first dispenser part has an access opening through which the unit products are transferable from the storage area into the second dispenser part and the dispenser has

a closure (130) which is selectively connectable with the first and second dispenser parts to respectively close the access opening and the outlet opening.

Regarding claim 25, Wolf et al. disclose the dispenser of claim 24 wherein the closure is a cap (130).

Regarding claim 26, Wolf et al. disclose the dispenser of claim 24 wherein the closure, on the one hand, and the first and second dispenser parts, on the other hand, have co-operable connecting structures for selectively connecting the closure to the first and second dispenser parts (see Figure 1).

Regarding claim 27, Wolf et al. disclose the dispenser of claim 26 wherein the connecting structures on the first and second dispenser parts are the same (see Figures 1-2).

Regarding claim 28, Wolf et al. disclose the dispenser of claim 26 wherein the second dispenser part has a further connecting structure which is co-operable with the connecting structure of the first dispenser part which co-operates with the connecting structure of the closure to enable connection of the first and second dispenser parts (see Figures 1-3).

Regarding claim 29, Wolf et al. disclose a dispensing module for attachment to a container for a multiplicity of unit products in the form of the second dispenser part of claim 22 (see Figures 1-3).

***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL K. COLLINS whose telephone number is (571)272-8970. The examiner can normally be reached on 8:30 am - 5:00 pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene O. Crawford can be reached on (571) 272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

M.K.C.

/Gene Crawford/



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1/03/2010

Supervisory Patent Examiner, Art  
Unit 3651